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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE DISTRICT OF ARIZONA
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8 John C. Johnson; Daniel Perez and)
9 Elizabeth Perez, on behalf of themselves)
and all others similarly situated,

10 Plaintiffs,

11 vs.

12 First American Title Insurance Company,)

13 Defendants.
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No. CV-08-01184-PHX-LOA

**NOTICE OF ASSIGNMENT
AND ORDER**

15 Pursuant to Local Rule ("LRCiv") 3.8(a), Rules of Practice, effective
16 December 1, 2007, all civil cases are, and will be, randomly assigned to a U.S. district
17 judge or to a U.S. magistrate judge. This matter has been assigned to the undersigned U.S.
18 Magistrate Judge.

19 As a result of the aforesaid Local Rule, if all parties consent in writing, the
20 case will remain with the assigned magistrate judge pursuant to 28 U.S.C. 636(c)(1) for
21 all purposes, including trial and final entry of judgment. If any party chooses the district
22 judge option, the case will be randomly reassigned to a U.S. district judge. To either
23 consent to the assigned magistrate judge or to elect to have the case heard before a
24 district judge, the appropriate section of the form, entitled Consent To Exercise Of
25 Jurisdiction By United States Magistrate Judge¹, must be completed, signed and filed.
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28 ¹The consent/election form may be obtained directly from the Clerk of the Court or
by accessing the District of Arizona's web site at www.azd.uscourts.gov. To find the

1 The party filing the case or removing it to this Court is responsible for serving all parties
 2 with the consent forms. Each party must file a completed consent form and certificate of
 3 service with the Clerk of the Court not later than 20 days after entry of appearance, and
 4 must serve a copy by mail or hand delivery upon all parties of record in the case.

5 Any party is free to withhold consent to magistrate judge jurisdiction
 6 without adverse consequences. 28 U.S.C. 636(c)(2); Rule 73(b), Fed.R.Civ.P.; *Anderson*
 7 *v. Woodcreek Venture Ltd.*, 351 F.3d 911, 913-14 (9th Cir. 2003) (pointing out that
 8 consent is the "touchstone of magistrate judge jurisdiction" under 28 U.S.C. §636(c). "A
 9 party to a federal civil case has, subject to some exceptions, a constitutional right to
 10 proceed before an Article III judge." *Dixon v. Ylst*, 990 F.2d 478, 479 (9th Cir. 1993)
 11 (citing *Pacemaker Diagnostic Clinic of Am. Inc. v. Instromedix, Inc.*, 725 F.2d 537, 541
 12 (9th Cir. 1984) (*en banc*)).

13 A review of the Court's file indicates that Defendant First American Title
 14 Insurance Company filed a Notice of Removal on June 26, 2008.

15 Defendant shall have until **July 17, 2008**, within which to make its selection
 16 to either consent to magistrate judge jurisdiction or elect to proceed before a U. S.
 17 district judge. The Court's docket reflects the appropriate consent form was electronically
 18 transmitted to all counsel on June 27, 2008 by the Clerk's office.

19 Accordingly,

20 **IT IS ORDERED** that the Defendant First American Title Insurance
 21 Company shall file on or before **July 17, 2008** its written election to either consent to
 22 magistrate judge jurisdiction or elect to proceed before a United States district judge.

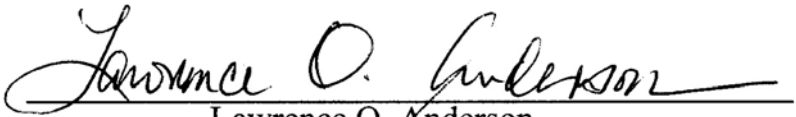
23 **IT IS FURTHER ORDERED** that Plaintiffs shall each either consent to
 24 proceed before a magistrate judge or elect to proceed before a district judge by **July 17,**
 25 **2008.**

26 _____
 27 consent/election form on the District's web site, click on "Local Rules" at the top of the page,
 28 then click on "forms" on the left side of the page and then click on and print the appropriate
 form.

1 **IT IS FURTHER ORDERED** that counsel and any party, if
2 unrepresented, shall hereinafter comply with the Rules of Practice for the United States
3 District Court for the District of Arizona, as amended on December 1, 2007. The
4 District's Rules of Practice may be found on the District Court's internet web page at
5 www.azd.uscourts.gov/. All other rules may be found as www.uscourts.gov/rules/. The
6 fact that a party is acting pro se does not discharge this party's duties to "abide by the
7 rules of the court in which he litigates." *Carter v. Commissioner of Internal Revenue*, 784
8 F.2d 1006, 1008 (9th Cir. 1986).

9 **IT IS FURTHER ORDERED** that counsel and any party, if
10 unrepresented, shall use the above caption, number and initials until further order of the
11 Court.

12 DATED this 30th day of June, 2008.

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15 Lawrence O. Anderson
16 United States Magistrate Judge
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